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Attorneys for Defendant Altria Group, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

D'ARCY QUINN,

Plaintiff,

against ...

ALTRIA GROUP, INC., *et al.*

Defendants.

[illegible]

07 Civ. 8783 (LTS)  
ECF Case

**NOTICE OF MOTION  
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Louis C. Camilleri, the accompanying Memorandum of Law and all prior pleadings and proceedings had herein, defendant Altria Group, Inc. hereby moves this Court for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(1), dismissing the complaint as against Altria Group, Inc. and awarding said defendant attorneys' fees and costs and such other relief as the Court may deem just and proper.

We hereby certify that, pursuant to Rule 2.B. of the Individual Practices of Judge Laura T. Swain, Altria Group, Inc. used its best efforts to resolve the matters raised in this

motion informally prior to moving. These efforts included an exchange of letters and a telephone conference with counsel for Plaintiff D'Arcy Quinn.

Dated: January 22, 2008

Respectfully submitted,

PROSKAUER ROSE LLP

By: Howard L. Ganz

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